

ASSEMBLY BILL

No. 3052

**Introduced by Committee on Judiciary (Jones (Chair), Evans,
Feuer, Krekorian, Laird, Levine, and Lieber)**

February 28, 2008

An act to amend Section 70391.5 of the Government Code, relating to courts.

LEGISLATIVE COUNSEL'S DIGEST

AB 3052, as introduced, Committee on Judiciary. Court facilities.

Existing law requires the Judicial Council to develop performance expectations and benchmark criteria for court facility proposals. Existing law requires the Director of Finance, in reviewing a court facility proposal that includes a public-private partnership component, to consider any terms that could create long-term funding commitments and how those terms may be structured to minimize risk to the state's credit ratings. Existing law requires the Judicial Council, following the approval of the Director of Finance, to notify the Joint Legislative Budget Committee of the performance expectations and benchmark criteria for the proposal at least 30 days prior to the release of initial solicitation documents for a court facility project. The Judicial Council may proceed with the solicitation 30 days after giving that notice, if the Joint Legislative Budget Committee does not express opposition or concerns.

This bill would revise and recast these provisions, in part, to authorize the Judicial Council, after transfer of responsibility to the state of a court facility that requires replacement, to (1) gather information for appropriate alternative methods of project delivery for the court facility replacement, including, a public-private partnership agreement, (2)

specify a process and criteria for developing these alternative methods, and (3) identify variables that will be used to evaluate the proposed alternative methods. In evaluating the proposed alternative methods, the Judicial Council would be required to develop performance expectations and benchmark criteria for court facility proposals, as described above.

This bill would require the Director of Finance, in reviewing a court facility proposal that includes a lease-purchase agreement or other appropriate multiyear agreement, together with other related agreements, with one or more entities for the delivery of a court facility that will provide payments to the entity or entities for the state's proportional share of project costs, whether as part of a public-private partnership component or otherwise, to consider any terms that could create long-term funding commitments and how those terms may be structured to minimize risk to the state's credit ratings.

This bill would authorize the Judicial Council to delegate any action required of the Council by these provisions to the Administrative Director of the Courts.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 70391.5 of the Government Code is
2 amended to read:
3 70391.5. (a) ~~The~~ *After transfer of responsibility to the state*
4 *of a court facility that requires replacement either at the time of*
5 *transfer or subsequently, the Judicial Council may do all of the*
6 *following:*
7 (1) *Gather information for appropriate alternative methods of*
8 *project delivery for the court facility replacement, including, but*
9 *not limited to, a public-private partnership agreement.*
10 (2) *Specify a process and criteria for developing these*
11 *alternative methods of project delivery.*
12 (3) *Identify variables that will be used to evaluate the proposed*
13 *alternative methods.*
14 (b) *In evaluating the proposed alternative methods, the Judicial*
15 Council shall develop performance expectations for court facility
16 proposals, including benchmark criteria for total project life-cycle
17 costs, project cost comparisons to traditional delivery and financing

1 options, project risk assessments and allocations, utility and energy
2 conservation requirements that meet or exceed state standards, and
3 court security operations cost controls and reduction goals. The
4 performance expectations and benchmark criteria shall be
5 consistent with Chapter 1016 of the Statutes of 2002, Chapter 488
6 of the Statutes of 2006, and consistent with all current state building
7 practices.

8 ~~(b)~~

9 (c) In reviewing any court facility proposal that includes a
10 *lease-purchase agreement or other appropriate multiyear*
11 *agreement, together with other related agreements, with one or*
12 *more entities for the delivery of a court facility pursuant to*
13 *subdivision (a) that will provide payments to the entity or entities*
14 *for the state's proportional share of project costs, whether as part*
15 *of a public-private partnership component or otherwise*, the
16 Director of Finance shall take into consideration any terms in the
17 proposal that could create long-term funding commitments and
18 how those terms may be structured to minimize risk to the state's
19 credit ratings. Following the approval of any court facility proposal
20 of the Director of Finance, the Judicial Council shall notify the
21 Joint Legislative Budget Committee of the performance
22 expectations and benchmark criteria for the proposal at least 30
23 days prior to the release of initial solicitation documents for a court
24 facility project. If the Joint Legislative Budget Committee does
25 ~~not express any opposition or concerns~~ *object*, the Judicial Council
26 may proceed with the solicitation 30 days after giving that notice.

27 (d) *The Judicial Council may delegate any action required by*
28 *this section to the Administrative Director of the Courts.*